

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CRYSTAL LUDWIG,

Plaintiff,

v.

Case No. 07-15317

TOWNSHIP OF VAN BUREN,

HONORABLE AVERN COHN

Defendant.

---

**ORDER MOOTING HEARING ON PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION AND SCHEDULING STATUS CONFERENCE**

This is a case under 42 U.S.C. § 1983. Plaintiff Crystal Ludwig is suing defendant Van Buren Township claiming that Van Buren's ordinance no. 2-16-99(2), section 6-69 entitled "Nudity on Licenses Premises" and ordinance no. 2-16-1994(4), section 58-206 entitled "Public Indecency" violates her First Amendment rights. Ludwig is an exotic/ topless dancer at the Garter Belt, Inc. d/b/a Legg's Lounge located in Van Buren Township and licensed to sell alcoholic beverages on its premises. Ludwig seeks monetary, declaratory and injunctive relief. She essentially claims the nudity ordinances are unconstitutionally overbroad.

Before the Court is Ludwig's motion for a preliminary injunction. Although this matter was originally scheduled for hearing, upon review of the parties' papers, the Court finds that a consolidation of the hearing on the preliminary injunction with a trial on the merits under Federal Rule of Civil Procedure 65(a)(2)<sup>1</sup> is appropriate.

---

<sup>1</sup>Rule 65(a)(2) provides as follows:

Accordingly, the hearing on Ludwig's motion for preliminary injunction is mooted. The Court will hold a status conference on Tuesday, September 23, 2008 at 2:00 p.m. to chart the future course of the case to move it towards final resolution.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: September 8, 2008

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, September 8, 2008, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160

---

Consolidation of Hearing With Trial on Merits. Before or after the commencement of the hearing of an application for preliminary injunction, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing of the application. Even when this consolidation is not ordered, any evidence received upon an application for a preliminary injunction which would be admissible upon the trial of the merits becomes part of the record of the trial and need not be repeated upon the trial.